

Fund for Public Interest Research, Inc.
29 Temple Place
Boston, MA 02111

Federal Communications Commission
VIA E-MAIL

December 6, 2002

To the Commission:

The Fund for Public Interest Research, Inc., a nonprofit organization exempt from taxation under section 501(c)(4) of the Internal Revenue Code whose purpose is to aid and enable other nonprofit organizations in furthering their missions, respectfully submits this comment with regard to the FCC's proposed changes to its rules implementing the Telephone Consumer Protection Act (TCPA).

The rules currently exclude calls or messages by tax-exempt nonprofit organizations. We strongly urge that this exemption remain. Nonprofit organizations frequently have only limited funds and staff available to design and conduct charitable solicitations. The exemption allows nonprofit organizations to use the most efficient and cost-effective means of charitable solicitations available.

The FCC seeks comment on whether calls made jointly by nonprofit and for-profit organizations should be exempt from the restrictions on telephone solicitations and prerecorded messages. We respectfully urge that such joint calls [also](#) should be exempt from these restrictions. Nonprofit organizations frequently lack the money, technological infrastructure, and qualified personnel to successfully conduct charitable solicitations on their own. As a result, they often must rely on for-profit entities that have modern, up to date technologies and highly trained staff to conduct solicitations for them. The fact that the calling entities are for-profit organizations does not negate the fact that the calls themselves are being made on behalf of, and the money and support are requested for, nonprofit organizations. The ultimate ends of the money raised are the same whether the calls are actually made by for-profit or nonprofit organizations; the only difference is the type of entity making the telephone calls.

The FCC also seeks comment on the current effectiveness of company-specific do-not-call lists. We submit that company-specific do-not-call lists provide consumers with a reasonable means of screening and selecting among both for-profit and nonprofit solicitors. Once a company contacts the consumer, the consumer can choose whether or not to continue to receive calls from the entity. Additionally, company-specific lists allow consumers to learn, via an initial telephone call from a nonprofit organization, about charities and causes they might support that they might otherwise never know

about. These calls can lead to an increase in public education and civic engagement as well as increased program revenue for the nonprofit organizations, thereby furthering the public good.

Finally, the FCC seeks comments on whether it should revisit the option of establishing a national do-not-call list, and if so, how to do so in conjunction with the FTC's recent proposal to create a national do-not-call list. We respectfully urge that the FCC not create a national do-not-call list, or, if it should implement one, that the list should exclude nonprofit organization doing charitable work and solicitation, either done by for-profit or nonprofit groups acting on behalf of the charities, or by the nonprofit organizations themselves. This exemption would allow charitable organizations to succeed at furthering their missions through fundraising and the encouragement of citizen participation in these charities. Further, the exemption would allow nonprofit organizations to take advantage of the best and most efficient technology and staff available by allowing them the option of retaining outside organizations with special expertise to conduct their charitable telephone solicitation.

Respectfully submitted,

Jon Scarlett
Fund for Public Interest Research, Inc.